VOTING OF DEMANDS FOR GRANTS—(*contd.*)

DEMAND VII—EXCISE DEPARTMENT—(*contd.*)

President: The Discussion of Demand VII will now be resumed.

Mr. M. P. Madhavan Pillai (*Tiruvalla cum Pattanamitta*): സർ, എക്സൈസ് ഡിപ്പാർട്ട്മെൻറിൽനിന്നും കൺടാക്റ്റു കൊടുത്തു വരുന്നനയത്തേയും കൺടാക്ടറന്മാർ, അവരുടെ കീഴിൽ ഷാപ്പു നടത്തുന്നവർ, അവരുടെ ജോലിക്കാർ എന്നിവർ അനുഭവിച്ചുകൊണ്ടിരിക്കുന്ന കഷ്ടതകളേയും ദുരിതമായ അനുഭവങ്ങളേയും പറഞ്ഞു ഇവിടെ പ്രസ്താവിക്കണമെന്നാണു ഞാൻ വിചാരിക്കുന്നത്. ഈ ഡിപ്പാർട്ട്മെൻറിന്റെ ആദായത്തിന് ഏതുവിധത്തിലങ്കിലും കുറവുവരുത്താതിരിക്കുന്നതു ഒരു മേന്മയാണെന്നു കരുതിയാണ് അതിലെ ഉദ്യോഗസ്ഥന്മാർ പ്രവർത്തിച്ചുവരുന്നതു്. ഷാപ്പു കൺടാക്ട് എടുക്കുകയാണെങ്കിൽ കൺടാക്ടർക്കു നഷ്ടംവരാതിരിക്കത്തക്കവിധത്തിൽ വേണ്ട സൗകര്യങ്ങളും അതായതു മെയിൻഷാപ്പുകളും ക്ലാത്തെ ഉപഷാപ്പുകളും മറും നടത്തുന്നതിനു ഡിപ്പാർട്ട്മെൻറുകാർക്കുടി സഹായിച്ചുകൊള്ളാമെന്നു മുമ്പിൽക്കൂട്ടി പറഞ്ഞ് ഏർപ്പാടു ചെയ്യുന്നതുകൊണ്ടാണ് ഈ വമ്പിച്ചതുകകൾക്ക് ഓരോരുത്തർ കൺടാക്റ്റു് എടുക്കാറുള്ളതു്. ഇങ്ങനെ കൺടാക്റ്റു് എടുത്തു പണം കെട്ടിവച്ചതിനുശേഷം ഡിപ്പാർട്ട്മെൻറുസിൽ ബന്ധികൾ ഷാപ്പു നടത്തുന്നതിൻള്ള ആളുകളെ അന്വേഷിക്കുന്നു. ഡിപ്പാർട്ട്മെൻറിലേക്കു് അടക്കേണ്ടതുകയ്ക്കു പുറമേ ഡിപ്പാർട്ട്മെൻറുസിൽ ബന്ധികൾക്കും കൺടാക്റ്റർക്കും ഒരു തുക മേൽ ലാഭം കൊടുത്തുകൊള്ളണമെന്നു ഷാപ്പു നടത്തിപ്പുകാരനെക്കൊണ്ടു സമ്മതിപ്പിച്ചതിനുശേഷമാണു അയാളെക്കൊണ്ടു ഷാപ്പു നടത്തിക്കുന്നതു്. നഷ്ടംവരാതിരിക്കത്തക്കവിധത്തിൽ വേണ്ട സൗകര്യങ്ങൾ ചെയ്തുകൊടുക്കാമെന്നു കൺടാക്റ്റരും ഡിപ്പാർട്ട്മെൻറുസിൽബന്ധികളുംകൂടി ഷാപ്പു നടത്തിപ്പുകാരനേയും പറഞ്ഞു വിശ്വസിപ്പിക്കുന്നു.

സാമ്പത്തികവിഷമം മൂർദ്ധന്യത്തിലിരിക്കുന്ന ഈ രാജ്യത്ത് ഏതു ഷാപ്പുകച്ചവടക്കാരനും നഷ്ടം വരാനേ ഇടയുള്ളു. തൻനിമിത്തം കൺടാക്ടർക്കും ഡിപ്പാർട്ട്മെൻറുസിൽബന്ധികൾക്കും കൊടുക്കാമെന്നു സമ്മതിച്ചിട്ടുള്ള തുക കൊടുക്കുന്നതിനു ഷാപ്പുകടക്കാരനു സാധിക്കാതെവരുന്നു. ഇങ്ങനെവരുമ്പോൾ കൺടാക്ടറും ഡിപ്പാർട്ട്മെൻറുസിൽബന്ധികളുംകൂടി യോജിച്ചുകൊണ്ട് ഈ സാധുവിന്റെ പേരിൽ കേസെടുക്കുന്നു. കുറ്റംചെയ്യാലും ഇല്ലെങ്കിലും അവനെ കുറ്റക്കാരനാക്കി

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[Mr. M. P. Madhavan Pillai.]

ചർജ്ജ ചെയ്യുന്ന സങ്കടകരമായ ഈ അവസ്ഥയാണ ഷാപ്പുകച്ചവട ക്കാരനു വന്നുചേരുന്നത്. മേൽലാഭമായി കൊടുക്കാമെന്നു സമ്മതിച്ചു തുക കൊടുക്കുന്ന ഷാപ്പുകാരുടെപേരിലും കേസെടുക്കുന്നു. ഓരോ താലൂക്കിൽനിന്നും ഒന്നരണ്ടു കേസെങ്കിലുംഎടുത്തു ശിക്ഷിച്ചില്ലെങ്കിൽ അത് അവിടത്തെ റെയിഞ്ച് ഇൻസ്പെക്ടറുടെ സാമർത്ഥ്യക്കുറവെന്നു കരുതുക യാണു ഡിപ്പാർട്ട്മെൻറിൻെറ നയമെന്നുതോന്നുന്നു. അതുകൊണ്ടു മനഃ പൂർവമായിട്ടായാലും അല്ലെങ്കിലും ഈ സാധുക്കളുടെ പേരിൽ കേസെടു ക്കുന്നു. ഇതിനും പുറമേ കണ്ടാക്ടറുടേയും ഷാപ്പു കച്ചവടക്കാരൻെറ യും പേരിൽ ഏതാനുംപേർ ചേർന്നു പരാതി അയക്കുകയാണെങ്കിൽ അവിടെ സ്പെഷ്യൽ പാർട്ടിയെ ഡിപ്പാർട്ട്മെൻറിൽനിന്നും അയക്കുകയും അവരും ഏതാനും സാധുക്കളുടെപേരിൽ കേസെടുത്തു ക്രമത്തിലധികം അവരെ സങ്കടപ്പെടുത്തുകയും ചെയ്യുവരുന്നു. വളരെ കഷ്ടപ്പെട്ടു ഡി പ്പാർട്ട്മെൻറിലേക്ക് ആദായം ഉണ്ടാക്കിക്കൊടുക്കുന്നവരെ ഇത്തരത്തിൽ ക്രമത്തിലധികം സങ്കടപ്പെടുത്തുന്നതു കഷ്ടമാണ്. ഡിപ്പാർട്ട്മെൻറി ൻെറ ഈ നയം നിർത്തൽചെയ്യേണ്ടതു് അത്യന്താപേക്ഷിതമാണെ ന്നാണ് എനിക്കു പ്രസ്താവിക്കാനുള്ളതു്.

Mr. S. Piraviperumal Pillai: Sir, when the Abkari Regulation was promulgated, the Government member who introduced the Bill stated that the measure was introduced not as a fiscal measure but only for preventing the manufacture of illicit liquor in the State. That being so, let us now examine what the present state is and how the department is working. Sir, in one of their reviews of the administration of the Excise Department the Government state: —

> *"Government note with satisfaction that the Department had been very active in its efiorts to put down illicit traffic in country liquor, as is evident in the number of cases detected during the year."*

Taking that as the test, let us now see how this department has been working during the past several years, at any rate during the administration of the present incumbent. For that let us examine the figures during the last six years.

In 1105, the number of cases detected was 1830; in 1106 the number was 1936; in 1107 the number was 2211; I think that was the time when the present incumbent took charge and in 1108 the number was 2421; and in 1110 the number was 2641. Thus we find that the number of cases detected has been steadily increasing. What does that indicate? It indicates really that the department has been very vigilent in the matter of putting down malpractices.

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That is very creditable to the present incumbent. While that is so, I find in the review of Government on the administration report of the department for 1110 the following statement :—

"The fall in the consumption of jaggery arrack is attributed mainly to the persistent economic depression and the low purchasing power of the drinking population. Government are unable to accept this explanation in the face of the fact that during 1108 when the economic depression was equally if not more acute the quantity consumed was more or less the same as in 1107."

I am also happy to find that the consumption of toddy arrack, etc., has fallen down if the figures given in the report are correct. In 1110 the number of gallons of arrack consumed was 48,204; in 1109 the number consumed was 51,112 gallons; and in 1108 it was 56,479 gallons. Though the Government view this fall in consumption with alarm, we the non-officials are glad over it. From the view point of Government, probably, the Excise Commissioner has not been satisfactory in his work; but from the view point of non officials the Excise Commissioner deserves to be congratulated.

Coming next to salt, we are here clamouring that Travancore should produce enough salt for its own consumption. From the report we find that in 1108 there were available 472·065 acres for salt cultivation from which 663,553 maunds of salt were manufactured; in 1109, 484·126 acres were available and 861,863 maunds of salt were manufactured; and in 1110, 529·216 acres were available and 15,97,371 maunds of salt were manufactured. That also is creditable to the Excise Commissioner. Therefore, I do not think that there is any reason to condemn his regime. However, I hope the Excise Commissioner will in his reply explain why in his report he has attributed the fall in the consumption of jaggery arrack to the persistent economic depression and the low purchasing power of the population.

Mr. M. N. Paramesvaran Pillai : Sir, the affairs of the department do not seem to be satisfactory. As it is, owing to the wrong policy followed by the Excise Commissioner in the matter of the auction sales of abkari shops, it has become absolutely impossible for Government and for the Legislative Bodies to have correct budget estimates. The revenue receipts of this department are always fluctuating, resulting in budgetary variations far beyond our anticipations; so much so that the financial equilibrium is seriously disturbed and correct budgeting is rendered very often difficult. Every year the number of defaulters is on the increase and arrears of kist have accumulated at the end of 1110 to Rs. 8·56 lakhs. This has been due to various causes. In the first place, the auction sales of toddy and arrack shops are conducted in utter disregard of all the cardinal principles of a sound abkari administration. The

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shops are always disposed of in favour of the highest bidders without any regard for their status or financial stability. Secondly, no proportion is kept up either between the rentals and the consumption of liquor or between the rentals of the various shops. In their feverish anxiety to show the highest revenue, the Excise officers themselves induce the bidders to raise the rentals. The bidders of course yield to this kind of persuasion, for they can always count upon the connivance of these officers in committing such offences as illicit tapping, illicit manufacture of arrack and illicit transport or sale of liquor, without which they cannot minimise their loss. In order to protect himself from ruin, the holder of a higher rental shop has naturally to resort to malpractices. For instance, let us suppose there are two shops in a locality—one having a rental of Rs. 1,000 with a consumption of 800 proof gallons and the other with a rental of Rs. 1,200 with a consumption of 1,500 proof gallons. The total cost of one proof gallon of liquor in the case of the former will be higher than that of the latter. The inevitable result will be that in a cut-throat competition between them, the former will be driven to the dire necessity of resorting to illicit practices. This is what generally happens when no proportion is maintained between the rentals of shops situated within the same taluk or in the adjacent taluks. The departmental officers who care more for collection have naturally to shut their eyes to these malpractices. All the accumulated arrears could have been avoided if the Excise Commissioner had cared to observe these fundamental principles in the disposal of shops.

Sir, Mr. Piraviperumal Pillai has referred to the consumption of arrack. From 5,677·81 proof gallons in 1109, the consumption of arrack is said to have fallen to 2,798·09 proof gallons in 1110. The Commissioner attributes this fall to the persistent economic depression and the low purchasing power of the drinking population.

Mr. K. Madhavan Pillai (*Trivandrum*): Was there not a decrease in the consumption of common salt?

Mr. M. N. Paramesvaran Pillai: I am now dealing with the abkari administration and not with salt manufacture.

Sir, the explanation offered by the Commissioner is certainly unacceptable, for in 1108 when economic depression was equally acute, the quantity consumed was more or less the same as in 1107. Evidently the fall is due to the prevalence of malpractices mainly as the result of high and disproportionate rise in the rentals. In some of the northern Divisions, every tapper's house is an unlicensed shop.

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It is proposed to introduce local option at Attingal from the commencement of next year. Local option was tried in Changanachery for some years and I know for certain that it was with no success. It is going to be a failure in Attingal also. How could it be otherwise when we are having both toddy and arrack shops accessible all around the place where local option is introduced. Sir, it has been time and again brought to the notice of this House, both by non-officials and by the previous Excise Commissioners, that the officers of this Department should have nothing to do with the auction sale of abkari shops. The auction sales and the collection of kists should be left entirely in the hands of the officers of the Land Revenue Department as is done in Cochin and in the Madras Presidency. The attention of the Excise staff should be confined to mere preventive work alone. That, in fact, is the function of the Excise Department.

Sir, our customs revenue is also falling. In 1110, there was a fall to the extent of Rs. 3·69 lakhs. Unless our trade position is improved and our customs revenue is augmented by solving some of the vexed problems regarding tariff and customs, there is no chance of meeting the increasing budget deficits. The Financial Secretary's budget speech does not contain any suggestion for the improvement of our trade in cocoanut, cocoanut products, ginger and pepper. His speech in that respect is sadly disappointing.

Mr. C. O. Madhavan (*Excise Commissioner*): Sir, the members who have taken part in the discussion relating to this demand have touched upon certain important aspects of the administration of the department. As far as time will allow I shall explain the points referred to by them.

I shall first take up the criticisms levelled against the department by Mr. Nilakanta Pillai in his speech yesterday. His criticisms are mainly based upon the review of Government on the administration report of the department for the year 1110. I am glad of the opportunity afforded to me by Mr. Nilakanta Pillai to offer a few remarks on the observations contained in the review of Government. Mr. Nilakanta Pillai drew the attention of the House to the following passage in the review:

> "If the Excise Commissioner had exercised greater care in the selection of his contractors, such large accumulation of arrears could have been avoided. Government trust that the Commissioner will spare no efforts for the clearance of old arrears by taking personal interest in the matter and by impressing on the Assistant Excise Commissioners and Inspectors that any neglect in this respect will entail severe punishment."

Mr. Nilakanta Pillai is under the impression that I have got unlimited latitude in the selection of contractors. The toddy and

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[Mr. C. O. Madhavan.]

arrack shops are disposed of in auction, and other things being equal the shops are given to the highest bidders.

Mr. M. N. Paramesvaran Pillai: Is it necessary to give them to the highest bidder? Has not the Excise Commissioner got a discretion in the matter?

Mr. C. O. Madhavan; I cannot answer any questions till I finish my speech.

Mr. M. N. Paramesvaran Pillai: Sir, that is a discourtesy to the House. If any pertinent questions are put he must answer them.

Mr. C. O. Madhavan: I did not say that I am not going to answer the questions at all. I may be allowed to finish my speech and the questions may be put at the end.

Now the shops are disposed of for the purpose of making revenue. It is not possible, before the shops are confirmed, to go into the question whether a bidder is solvent or not. After confirmation we look into his solvency. There are rules on the subject. At the time of auction the Tahsildar and the pakuthy staff are present with me. The Proverthikar certifies to the solvency of the bidders. If any doubt is entertained about the solvency of any particular bidder, then he will be asked to pay one more kist in addition to the 3 usual kists he has to deposit as security.

Mr. M. N. Paramesvaran Pillai: May I know from the Excise Commissioner whether there is not a rule that if one instalment is defaulted—

President: The Excise Commissioner has already said that he may be allowed to say the few words he has got to say and then questions may be put to him.

Mr. M. N. Paramesvaran Pillai: In that case I do not think any time will be given to us for putting questions.

Mr. C. O. Madhavan: Unless there is reason to show that the competition is unhealthy or mischievous I leave the bid to take its own course. If any man taking a shop is of doubtful solvency, the procedure I have mentioned is adopted. I may submit to the House that it is impossible for any man to do more than that.

Another charge made by Mr. Nilakanta Pillai is that persistent and sustained efforts are not made by the officers of the department in the matter of collection of arrears. I submit, Sir, the abkari arrears have been mounting up from year to year since 1105.

At the end of 1105, the arrears, including the arrears for the previous years, stood at Rs. 39,975. The shops for the years 1106 and 1107 had been mostly disposed of for high rentals before the

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commencement of economic depression in 1105. The depression set in and the large majority of the shops were resold in 1106 and 1107 resulting in heavy accumulation of arrears. Arrears for the year 1106 amounted to Rs. 2,53,779, and the arrears for the year 1107 amounted to Rs. 4,78,753. The arrears for that one contract period thus amounted to Rs. 7,32,532. It may therefore be seen that the bulk of the present arrears which stood at Rs. 8,56,163 at the end of 1110 was contributed by the arrears which accumulated during the 1106 and 1107 contracts. That was due to the economic depression which set in towards the end of 1105. The biennial contract for the years 1108 and 1109 has also accounted for an appreciable increase in the amount of old arrears pending recovery. Licensees became defaulters on account of the loss sustained by them as the result of poor sales. This in turn is due to the low purchasing power of the drinking population. The situation is purely the outcome of economic depression which nobody could have foreseen and prevented.

The charge that the department has been lax in taking steps for the recovery of arrears needs explanation. When once the demand has fallen into arrears the recovery is made by the Revenue Department. All that the Excise Commissioner has to do is, to issue necessary instructions to the Tahsildars concerned and see that persistent action is taken by them. The arrears have to be collected by the Revenue Department.

Mr. Kochikal P. Balakrishnan Tampi (*Mavelikara and Kartikapalli* cum *Kunnattur*): May I know, whether the honourable member speaks for himself or for Government?

Mr. C. O. Madhavan: I speak for the Government as well as for myself.

In the matter of recovery of old arrears, the position of the Government is more difficult than that of an ordinary creditor.

Mr. M. N. Paramesvaran Pillai: May I ask the Commissioner whether there is not a rule that, if a default is made in one instalment, that should be adjusted on the security deposited by the contractor and that he should be asked to recoup that at a particular time and if he does not do so, the shop should be re-auctioned on a particular day. Is that rule followed?

Mr. C. O. Madhavan: In regard to recovery of arrears there is considerable difficulty for Government.

Mr. M. N. Paramesvaran Pillai: Sir, my question is not answered.

Mr. C. O. Madhavan: That rule does not materially ease the situation. Suppose an order is issued and the man fails to recoup the security; necessarily the shops are resold.

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Mr. M. N. Paramesvaran Pillai: May I know from the member how many shops have been resold by the Commissioner on that ground?

Mr. C. O. Madhavan: The number must be large.

President: The time allowed for the demand has expired.

Moved that the total allotment of Rs. 6,12,826 under demand VII be omitted.

The motion was put to the vote of the House and lost.

President: I put to the vote of the House Demand VII—Excise Department for Rs. 6,12,826

The motion was carried.

The grant was made.

DEMAND VIII—ADMINISTRATION OF JUSTICE.

Mr. Kayalam Paramesvaran Pillai (*Additional Head Sirkar Vakil*): Sir, I rise to move for a grant not exceeding Rs. 10,76,241 under Demand VIII—Administration of Justice.

Mr. J. John Kattakayam: സർ, നീതിന്യായം നടത്തുന്നതിനായി മുമതലപ്പെടുത്തിയിട്ടുള്ള കോടതികൾ കുറെക്കാലമായി അതിൽനിന്നും വ്യതിചലിച്ചുകൊണ്ടിരിക്കയാണ്. സിവിൽകോടതിയിലുള്ളതുണ്ടപേലും കൈയ്ക്കൂലിവാങ്ങിക്കുന്ന എന്നുള്ള ഒരു പഴഞ്ചൊല്ല് കാരണവന്മാരുടെ കാലംമുതൽക്കേ ഉള്ളതാണ്. പരിഷ്കാരം വരുമ്പോൾ അതിനൊരു ലാഘവംവരുമെന്നു ഞങ്ങൾ വിചാരിച്ചുവെങ്കിലും പ്രതിദിനം അതു അനാശാസ്യമായ വിധത്തിൽ വർദ്ധിച്ചുവരുന്നതായിട്ടാണു കാണുന്നതു. ഏതു സംഗതിക്കായി കച്ചേരിയിൽ പോയാലും കയ്യും നടക്കണമെങ്കിൽ കാശു ചിലവാക്കാതെ സാധിക്കുകയില്ല. അവിടെനിന്നു ലായും ചട്ടവും പറയുന്ന ആളിനു വാസ്തവത്തിൽ പരാജയമാണു ഫലം. ഹൈക്കോടതിമുതൽ കീഴ്ക്കോടതിവരെ നോക്കിയാൽ മുമതല ബോധത്തോടുകൂടി നീതിന്യായം നടത്തുന്ന ഒരു കോടതിയും ഇവിടെ കാണ്മാനില്ലെന്നുകാണാം. അതിനാൽ ഈ കോടതികളെ സംബന്ധിച്ചുള്ള മതിപ്പും വിശ്വാസവും ബഹുമാനവും നാൾക്കുനാൾ കുറഞ്ഞുകുറഞ്ഞു വരികയാണു ചെയ്യുന്നതു. നിയമത്തേയും വിധികളേയും ആസ്പദമാക്കി യാതൊന്നും പ്രവർത്തിക്കുന്നില്ല. തന്നിമിത്തം നിയമത്തേയും വിധികളേയും ആശ്രയിച്ചു നില്ക്കാൻ ഒരു പൊതുജനം നിവൃത്തിയില്ലാതായിരിക്കുന്നു. ഇങ്ങനെയായാൽ നീതി എങ്ങനെ നടക്കുമെന്നു ആർക്കും നിശ്ചയിക്കുവാൻവയ്യാ.

LIBRARY ARCHIVES Kerala Legislative Assembly